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OFFICE OF GENERAL
COUNSEL

September 23, 2014

Federal Election Commission
Office of Complaints Examination and Legal
Administration
Attn: Kim Collins, Paralegal
999 E Street, NW
Washington, DC 20436

Re: MUR # 6865; Jose Susumo Azano Matsura

Dear Ms. Collins:

I am writing you as the attorney for Mr. Azano, who your office wrote on September 15, 2014 regarding the above-referenced case number. I have enclosed

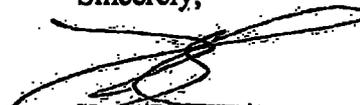
First, I should note that Mr. Azano denies the allegations raised in the "complaint" you enclosed with your letter. However, he asks the Commission to stay any action until the resolution of the pending parallel criminal case. For your review I have attached a formal request to stay and the most recent indictment.

The discovery in this case is subject to a protective order that does not allow me to share it with you. However, I can share with that the facts alleged in the "complaint" are incorrect. According to an FBI interview of Marc Chase (who had pleaded guilty and was cooperating with the FBI), he donated money when told to do so by Ernesto Encinas and not Mr. Azano. For future reference, that statement was provided in discovery at EM_AGT RPT_ROIs_001112. Mr. Encinas has also pled guilty and is cooperating with the FBI.

You may also note the "complaint" alleges that "Candidate 2 is named elsewhere in the Indictment as: Juan Vargas . . ." That allegation is false, as you can see from the enclosed indictment.

Mr. Azano respectfully request that the Commission keep the pending matter confidential and stay it until the resolution of the parallel criminal case.

Sincerely,



Knut S. Johnson



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

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OFFICE OF GENERAL
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 6865

NAME OF COUNSEL: Knut S. Johnson

FIRM: Law Office of Knut S. Johnson

ADDRESS: 1010 Second Avenue, Suite 1850, San Diego, CA 92101

TELEPHONE- OFFICE (619)232-7080 **FAX** (619)232-7324

Web Address www.knutjohnson.com
E-mail: knut@knutjohnson.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

9/23/14 _____ MS
Date Respondent/Agent - Signature Title (Treasurer/Candidate/Owner)

RESPONDENT: Jose Susumo Azano Matsura
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING: Coronado, CA 92118-3257 (Please Print)

PLEASE DIRECT CORRESPONDENCE ONLY TO MY ATTORNEY

TELEPHONE- HOME () _____
BUSINESS () _____

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation

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EMERSON WHEAT (CSB 277456)
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COUNSEL

5 Attorneys for JOSE SUSUMO AZANO
6 MATSURA

7 FEDERAL ELECTION COMMISSION

8
9
10 COMPLAINANT STEPHEN
MEADE.

MUR # 6865

11 REQUEST TO STAY FEDERAL
12 ELECTION COMMISSION
13 PROCEEDINGS PENDING
14 RESOLUTION OF THE
PARALLEL CRIMINAL CASE

15 I.

16 INTRODUCTION

17 Jose Susumo Azano Matsura ("Mr. Azano") is defending against the
18 allegations raised before the FEC in this matter in Southern District of
19 California Case 14 cr 0388-MMA (the "Criminal Case"). The allegations
20 brought before the FEC in the instant matter are identical to issues raised
21 in the Criminal Case. Mr. Azano denies any allegation of wrongdoing in
22 the matter before the FEC and in the Criminal Case.
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25
26 Mr. Azano hereby asks the FEC to stay any action pending
27 resolution of the Criminal Case.
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1 II.

2 **THE LAW AND FAIRNESS MANDATE STAYING THE**
3 **FEC MATTER UNTIL RESOLUTION OF THE IDENTICAL**
4 **ALLEGATIONS IN THE CRIMINAL CASE**

5 Courts have long been sensitive to the unfairness and threat to
6
7 constitutional rights posed by allowing criminal investigations and civil
8 actions concerning similar claims to proceed at the same time. Although it
9 is well settled a defendant in a civil action may assert the Fifth
10 Amendment in response to discovery requests, that civil defendant
11 nonetheless may be subjected to two distinct forms of fundamental
12 unfairness if forced to testify in a civil matter while parallel criminal
13 investigation is pending: (1) the impossibility of anticipating all of the
14 types of information which provides prosecutors with some "link in the
15 chain of evidence" needed for the criminal case (Hoffman v. United States,
16 341 U.S. 479, 486 (1951)), and; (2) the debilitating disadvantage in the civil
17 action the defendant will suffer by asserting the Fifth Amendment. (See,
18 e.g., London v. Patterson, 463 F.2d 95, 97-98 (9th Cir. 1972), cert. denied,
19 411 U.S. 906 (1973)).
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1 Accordingly, federal courts consistently recognize civil proceedings,
2 including deposition discovery, should be stayed in appropriate
3 circumstances pending the resolution of a parallel criminal proceeding.
4 See, e.g., United States v. Kordel, 397 U.S. 1, 12 n.27 (1970); Afro-Lecon,
5 Inc. v. United States, 820 F.2d 1198, 1204 (Fed. Cir. 1987) (noting that "it
6 has long been the practice to 'freeze' civil proceedings when a criminal
7 prosecution involving the same facts is warming up or under way"); SEC
8 v. Dresser Indus., Inc., 628 F.2d 1368, 1375 (D.C. Cir.) (in the case of
9 parallel criminal proceedings, "a court may decide in its discretion to stay
10 civil proceedings, postpone civil discovery, or impose protective orders
11 and conditions when the interests of justice seem to require such action"),
12 *cert. denied*, 449 U.S. 993 (1980).

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20 The Ninth Circuit has held a postponement of civil proceedings until
21 the conclusion of the related criminal investigation is the preferred
22 alternative to the dilemma facing defendants in the position of Mr. Azano.
23 See London, 463 F.2d at 98. Other circuits have concurred in this
24 approach. See, e.g., In re Grand Jury Subpoena, 836 F.2d 1468, 1476 (4th
25 Cir.) (stating Fourth Circuit rule as a "preference for stays" of civil actions),
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27
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1 cert. denied, 487 U.S. 1240 (1988); Kashi v. Gratsos, 790 F.2d 1050, 1057 (2d
2 Cir. 1986) (district court exercised "sound discretion" in staying civil trial
3 until U.S. Attorney declined to prosecute); Wehling v. CBS, 608 F.2d 1084,
4 1089 (5th Cir. 1979) (recognizing that protection of parties' rights may
5 require staying civil discovery despite resulting inconvenience); Texaco,
6
7 Inc. v. Borda, 383 F.2d 607, 608 (3d Cir. 1967) (approving stay of civil
8 antitrust action that alleged same conspiracy as pending criminal action);
9 In re Grand Jury Subpoena Duces Tecum, 659 F.Supp. 628, 634 (D. Md.
10 1987) (recognizing a "preference that a court stay civil proceedings when
11 there is a risk of self-incrimination by a party"). \1

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15
16 In this case, Mr. Azano faces indictment for the identical allegations
17 in the "complaint" attached to your letter to him and the indictment in the
18 Southern District of California. A copy of the most recent indictment in
19 the Criminal Case is attached. Mr. Azano vigorously denies all the
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25 1/ Likewise, in the leading California case on the subject, Pacers, Inc. v.
26 Superior Court, 162 Cal.App.3d 686, 208 Cal.Rptr. 743 (1984), the Court of
27 Appeal held a stay of civil discovery pending the completion of a parallel
28 criminal investigation was "in accord with federal practice where it has
been consistently held that when both civil and criminal proceedings arise
out of the same or related transactions, an individual is entitled to a stay of

(Footnote cont'd on next page)

1 allegations in the indictment and in the case now pending before the FEC.
2 However, the law is clear that a person should not have to face the
3
4 conundrum of deciding how to balance his constitutional rights in the
5
6 criminal case with the need to defend the civil proceeding.

7
8 VII.

9 CONCLUSION

10 For the foregoing reasons, the FEC should stay this matter pending
11
12 resolution of the parallel Criminal Case.

13 Dated: August 21, 2014

14 ~~Respectfully submitted,~~

15 ~~/s/ Knut S. Johnson~~

16 Knut S. Johnson, Esq. for
17 Jose Susumo Azano Matsura

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(Footnote cont.'d from previous page.)

27 discovery in the civil action until disposition of the criminal matter." Id. at
28 690 (emphasis added).

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OFFICE OF GENERAL
COUNSEL

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

September 2013 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE SUSUMO AZANO MATSURA (1),

aka Mr. A.,

aka Mr. Lambo,

RAVNEET SINGH (2),

aka Ravi Singh,

ELECTIONMALL, INC. (3),

MARCO POLO CORTES (4),

Defendants.

Case No. 14CR0388-MMA

I N D I C T M E N T
(Superseding)

Title 18, U.S.C., Sec. 371 -
Conspiracy to Commit Offenses
Against the United States;
Title 2, U.S.C., Secs.
437g(d)(1)(A) and 441e(a)(1)(A) -
Campaign Donation or Contribution
by a Foreign National Aggregating
\$25,000 or More; Title 2, U.S.C.,
Secs. 437g(d)(1)(A) and 441f -
Contribution in the Name of
Another Aggregating \$25,000 or
More; Title 18, U.S.C., Sec. 1519
- Falsification of Records;
Title 18, U.S.C., Sec. 201(b) -
Bribery; Title 18, U.S.C.,
Sec. 922(g)(5)(B) - Alien in
Possession of a Firearm; Title 18,
U.S.C., Sec. 2 - Aiding and
Abetting; Title 18, U.S.C.,
Secs. 924(g) and 981(a)(1)(C) and
Title 28, U.S.C., Sec. 2461(c) -
Criminal Forfeiture

The grand jury charges:

Principles Governing the Integrity of Elections

1. Citizens of the United States have a right to choose their political representatives through free and fair elections. To promote the integrity of these elections, Congress enacted a series of rules governing campaign finance.

//

TCP:sj:San Diego
8/12/14

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1 providing social media services to political campaigns throughout the
2 world. RAVNEET SINGH, who styled himself the "campaign guru," worked
3 principally out of offices in Washington, D.C.

4 7. Marc Alan Chase ("Marc Chase"), who is charged elsewhere,
5 was the managing member of South Beach Acquisitions, Inc. and West
6 Coast Acquisitions, LLC, both of which are also charged elsewhere.
7 Through these corporations, Marc Chase sold luxury automobiles and
8 other goods. One of Marc Chase's customers was JOSE SUSUMO AZANO
9 MATSURA.

10 8. Ernesto Encinas, who is charged elsewhere, was a retired San
11 Diego Police Department ("SDPD") detective and the owner of a private
12 security and consulting business. Ernesto Encinas oversaw JOSE SUSUMO
13 AZANO MATSURA's protection detail.

14 9. MARCO POLO CORTES was a San Diego-based lobbyist. According
15 to public filings, MARCO POLO CORTES lobbied SDPD officials, city
16 councilmembers, members of council staff and mayoral staff.

17 Campaigns for Elective Office in San Diego

18 10. In 2012 and 2013, a series of elections took place within
19 the Southern District of California. During the 2012 primary election
20 cycle, a person hereinafter referred to as "Candidate 1" ran for the
21 office of Mayor of San Diego.

22 11. During the 2012 primary and general election cycles, a
23 person hereinafter referred to as "Candidate 2" ran for the office of
24 United States Representative for the 51st Congressional District of
25 California. Also during the 2012 primary and general election cycles,
26 a person hereinafter referred to as "Candidate 3" ran for the office
27 of Mayor of San Diego.

28

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1 12. During a 2013 special election cycle, a person hereinafter
2 referred to as "Candidate 4" ran for the office of Mayor of San Diego.

3 Campaign Finance Methods and Public Records

4 13. There were various ways to provide financial assistance to a
5 campaign for elective office.

6 14. For example, a person could make a contribution or donation
7 directly to a candidate. Contributions and donations could be made in
8 the form of money, or in the form of some other thing of value, such
9 as goods or services. When a person made a donation in the form of
10 goods or services, it was generally referred to as an "in-kind"
11 contribution or donation.

12 15. Also for example, a person could make a contribution or
13 donation to an independent expenditure committee, also referred to as
14 an "IE," "PAC" or "SuperPAC." Similarly, a person could make a
15 contribution or donation to a committee of a political party. These
16 independent expenditure committees and political party committees, in
17 turn, could spend the money to support a particular candidate.

18 16. These various types of financial support and spending had to
19 be reported to government agencies, which maintained records that the
20 public and law enforcement agencies could access.

21 17. For instance, the Federal Election Commission maintained a
22 record of contributions made in connection with federal elections.
23 The State of California maintained a record of donations to political
24 committees organized at the county level. The City of San Diego
25 maintained a record of donations to campaigns and independent
26 expenditure committees, as well as a record of expenditures made by
27 independent expenditure committees.

28

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1 18. The Federal Bureau of Investigation ("FBI") was a United
2 States executive branch agency. Among other things, the FBI was
3 responsible for investigating the potential influence of foreign money
4 in American elections, including the donations, contributions and
5 expenditures of foreign nationals. The FBI was further responsible
6 for investigating illegal campaign contributions and expenditures of
7 all types, as well as the bribery and attempted bribery of public
8 officials.

9 Count 1: Conspiracy

10 (18 U.S.C. § 371)

11 19. Allegations 1 through 18 of this Indictment are realleged
12 and incorporated by reference.

13 20. Beginning on a date unknown and continuing up through
14 September 2013, in the Southern District of California and elsewhere,
15 defendants JOSE SUSUMO AZANO MATSURA, aka Mr. A., aka Mr. Lambo,
16 RAVNEET SINGH, aka Ravi Singh, ELECTIONMALL, INC., and MARCO POLO
17 CORTES did knowingly conspire together and with others, including
18 Ernesto Encinas and Marc Chase, each charged elsewhere, to commit
19 offenses against the United States, to wit:

20 a. Campaign Donation and Contribution by a Foreign
21 National Aggregating \$25,000 and More in a Calendar
22 Year, in violation of Title 2, United States Code,
23 Sections 437g(d)(1)(A) and 441e(a)(1)(A); and

24 b. Falsification of Records in violation of Title 18,
25 United States Code, Section 1519.

26 Manner and Means of the Conspiracy

27 21. In furtherance of this conspiracy, and to effect its
28 objects, defendants JOSE SUSUMO AZANO MATSURA, aka Mr. A.,

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1 aka Mr. Lambo, RAVNEET SINGH, aka Ravi Singh, ELECTIONMALL, INC.,
2 MARCO POLO CORTES and other coconspirators used the following manner
3 and means among others:

- 4 a. JOSE SUSUMO AZANO MATSURA and others would survey
5 candidates for various elective offices in San Diego to
6 determine which ones they should support.
- 7 b. JOSE SUSUMO AZANO MATSURA would seek a private meeting
8 with a candidate.
- 9 c. To coordinate between JOSE SUSUMO AZANO MATSURA and
10 candidates, Ernesto Encinas and MARCO POLO CORTES would
11 act as intermediaries, communicating with campaign staff
12 and other stakeholders about how JOSE SUSUMO AZANO MATSURA
13 could lend financial support.
- 14 d. Once JOSE SUSUMO AZANO MATSURA decided to support a
15 candidate, he and his coconspirators would design secret
16 methods of financing that candidate's campaign.
- 17 e. On some occasions, JOSE SUSUMO AZANO MATSURA would use
18 individuals as conduits, or "straw donors," for his
19 campaign donations. JOSE SUSUMO AZANO MATSURA would
20 provide these straw donors with money up front, or
21 reimburse them later, for donations they made on his
22 behalf.
- 23 f. On other occasions, JOSE SUSUMO AZANO MATSURA would use
24 Marc Chase as a conduit for large amounts of cash. At
25 JOSE SUSUMO AZANO MATSURA'S direction, Marc Chase would
26 write checks to political party and independent
27 expenditure committees that JOSE SUSUMO AZANO MATSURA knew
28 would support his candidates of choice.

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- 1 g. JOSE SUSUMO AZANO MATSURA would also use companies and an
2 independent expenditure committee of his own creation to
3 direct money to the candidates he supported.
- 4 h. As JOSE SUSUMO AZANO MATSURA used increasingly secret ways
5 of influencing political campaigns, he and RAVNEET SINGH
6 arranged unreported in-kind contributions to various
7 candidates. Through his company, ELECTIONMALL, INC.,
8 RAVNEET SINGH would provide social media services to the
9 candidates that JOSE SUSUMO AZANO MATSURA supported.
- 10 i. JOSE SUSUMO AZANO MATSURA would then fund ELECTIONMALL,
11 INC.'s services, using a Mexico-based company to transmit
12 payment to ELECTIONMALL, INC.'s bank account, never
13 providing any invoice or other bill of costs to the
14 campaigns themselves.
- 15 j. Ultimately, JOSE SUSUMO AZANO MATSURA, RAVNEET SINGH,
16 ELECTIONMALL, INC., MARCO POLO CORTES and others would
17 ensure that JOSE SUSUMO AZANO MATSURA's name did not
18 appear on public filings in connection with the illegal
19 contributions and donations.

20 Overt Acts

21 22. In furtherance of the conspiracy and to effect its objects,
22 the following overt acts, among others, were committed within the
23 Southern District of California and elsewhere:

24 Early Financial Support of Candidate 1

- 25 a. In late December 2011, JOSE SUSUMO AZANO MATSURA
26 instructed Marc Chase to recruit employees and friends to
27 act as straw donors for donations to Candidate 1.
28

- 1 b. In late December 2011, JOSE SUSUMO AZANO MATSURA caused
2 approximately \$10,000 in cash, as well as preprinted
3 envelopes, to be delivered to Marc Chase.
4 c. Between December 2011 and January 2012, as instructed,
5 Marc Chase recruited employees and friends to donate to
6 Candidate 1, giving them each between \$500 and \$1,000 of
7 the money JOSE SUSUMO AZANO MATSURA had provided, and
8 advising many that the cash had come from JOSE SUSUMO
9 AZANO MATSURA.
10 d. In late 2011 or early 2012, JOSE SUSUMO AZANO MATSURA met
11 Candidate 1 at his house in Coronado.
12 e. In about May 2012, JOSE SUSUMO AZANO MATSURA agreed to
13 create, and did help create, an independent expenditure
14 committee supporting Candidate 1.
15 f. On or about May 2, 2012, JOSE SUSUMO AZANO MATSURA
16 invested \$100,000 in the independent expenditure
17 committee.

18 JOSE SUSUMO AZANO MATSURA's In-Kind Donations to Candidate 1

- 19 g. On or about February 26, 2012, ELECTIONMALL, INC. sent an
20 email, carbon copying RAVNEET SINGH and JOSE SUSUMO AZANO
21 MATSURA, and attaching an invoice that reflected \$75,000
22 for "promot[ing]" online outreach in support of Candidate
23 1.
24 h. On or about March 13, 2012, ELECTIONMALL, INC. sent
25 another email, again carbon copying RAVNEET SINGH and JOSE
26 SUSUMO AZANO MATSURA, indicating: "Enclosed is the invoice
27 for the betty boo project for 100k it was originally 75
28 but Mr Singh explained the need for the additional 25

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1 during his last visit to San Diego and Mr A verbally
2 agreed [sic]."

- 3 i. On or about June 13, 2012, RAVNEET SINGH replied to an
4 email from Ernesto Encinas, admonishing him not to discuss
5 their illegal campaign financing in writing: "I am not
6 responding to this email. Because of the legal
7 ramifications. Please talk to me . . . in person"

8 JOSE SUSUMO AZANO MATSURA's Straw Donations to Candidates 2 and 3

- 9 j. On or about August 17, 2012, JOSE SUSUMO AZANO MATSURA,
10 MARCO POLO CORTES, Ernesto Encinas and Candidate 3 met at
11 JOSE SUSUMO AZANO MATSURA's house in Coronado, California.
12 k. On or about August 21, 2012, MARCO POLO CORTES received,
13 and forwarded to Ernesto Encinas, an email from a
14 representative of Candidate 2 that included a link to the
15 Federal Election Commission's rules governing the
16 prohibition against contributions by foreign nationals.
17 l. On or about September 17, 2012, JOSE SUSUMO AZANO MATSURA
18 met Candidate 2 for dinner in downtown San Diego.
19 m. In about August and September, 2012, JOSE SUSUMO AZANO
20 MATSURA, MARCO POLO CORTES and Ernesto Encinas discussed
21 how best to support Candidate 2 and Candidate 3's
22 campaigns.
23 n. In or about September 2012, JOSE SUSUMO AZANO MATSURA,
24 accompanied by Ernesto Encinas, instructed Marc Chase to
25 make certain large contributions in support of Candidates
26 2 and 3.
27 o. On or about September 24, 2012, at JOSE SUSUMO AZANO
28 MATSURA's direction, Marc Chase wrote a \$30,000 check to a

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1 political party committee associated with Candidate 2's
2 campaign for federal office.

3 p. On or about September 27, 2012, at JOSE SUSUMO AZANO
4 MATSURA's direction, Marc Chase wrote a \$120,000 check to
5 an independent expenditure committee supporting Candidate
6 3's campaign for mayor.

7 q. On or about September 27, 2012, at JOSE SUSUMO AZANO
8 MATSURA's direction, Marc Chase wrote a \$30,000 check to a
9 political party committee associated with Candidate 3's
10 campaign for mayor.

11 r. In September or October 2012, MARCO POLO CORTES personally
12 delivered the \$120,000 check to a representative of the
13 independent expenditure committee.

14 s. On or about October 2, 2012, JOSE SUSUMO AZANO MATSURA
15 caused a \$380,000 check to be given to Marc Chase.

16 t. On or about October 2, 2012, as agreed between Marc Chase
17 and JOSE SUSUMO AZANO MATSURA, Marc Chase deposited this
18 \$380,000 check, using \$180,000 as reimbursement for the
19 campaign contributions he had written on or about
20 September 24 and 27, 2012.

21 JOSE SUSUMO AZANO MATSURA'S In-Kind Contributions to Candidate 3

22 u. In or about October 2012, RAVNEET SINGH, Ernesto Encinas
23 and MARCO POLO CORTES visited Candidate 3's campaign
24 offices and told staff that they were authorized to handle
25 Candidate 3's social media efforts.

26 v. In or about October 2012, when asked to provide a quote
27 for their services, RAVNEET SINGH represented that the
28 expenses would be "taken care of."

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1 w. In or about October 2012, RAVNEET SINGH and MARCO POLO
2 CORTES created a "war room" within the campaign offices of
3 Candidate 3.

4 x. On or about October 15, 2012, JOSE SUSUMO AZANO MATSURA
5 caused a Mexico-based company to transmit \$96,980 to
6 ELECTIONMALL, INC. for the purpose of funding social media
7 services supporting Candidate 3.

8 y. On or about October 29, 2012, JOSE SUSUMO AZANO MATSURA
9 caused the same Mexico-based company to transmit \$94,975
10 to ELECTIONMALL, INC. for the purpose of funding social
11 media services supporting Candidate 3.

12 z. In or about December 2012, JOSE SUSUMO AZANO MATSURA
13 invited Candidate 3 to his home in Coronado Cays.

14 The Special Mayoral Election

15 aa. On or about August 1, 2013, acting as JOSE SUSUMO AZANO
16 MATSURA's agent, Ernesto Encinas spoke with a personal
17 friend of Candidate 4 (who did not know about the meeting)
18 and asked whether Candidate 4 would be interested in
19 "foreign investment."

20 bb. On or about August 28, 2013, Ernesto Encinas and
21 MARCO POLO CORTES met with the friend of Candidate 4 (who
22 did not know about the meeting) to discuss how JOSE SUSUMO
23 AZANO MATSURA might be able to support his candidacy.

24 All in violation of Title 18, United States Code, Section 371.

25 Count 2: Conspiracy

26 (18 U.S.C. § 371)

27 23. Allegations 1 through 18 of this Indictment are realleged
28 and incorporated by reference.

1 24. Beginning on a date unknown and continuing through September
2 2013, within the Southern District of California and elsewhere,
3 defendants JOSE SUSUMO AZANO MATSURA, aka Mr. A., aka Mr. Lambo, and
4 MARCO POLO CORTES did knowingly conspire together and with others,
5 including Ernesto Encinas and Marc Chase, each charged elsewhere, to
6 commit an offense against the United States - to wit, Contribution in
7 the Name of Another Aggregating \$25,000 and More in a Calendar Year,
8 in violation of Title 2, United States Code, Sections 437g(d)(1)(A)
9 and 441f.

10 25. In furtherance of the conspiracy and to effect its object,
11 the following overt acts, among others, were committed within the
12 Southern District of California and elsewhere:

13 a. On or about August 21, 2012, MARCO POLO CORTES received,
14 and forwarded to Ernesto Encinas, an email from a
15 representative of Candidate 2 that included a link to the
16 Federal Election Commission's rules governing the
17 prohibition against contributions by foreign nationals.

18 b. In or about September 17, 2012, JOSE SUSUMO AZANO MATSURA
19 met Candidate 2 for dinner in downtown San Diego.

20 c. In about August and September, 2012, JOSE SUSUMO AZANO
21 MATSURA, MARCO POLO CORTES and Ernesto Encinas discussed
22 how best to support Candidate 2 and Candidate 3's
23 campaigns.

24 d. In or about September 2012, JOSE SUSUMO AZANO MATSURA,
25 accompanied by Ernesto Encinas, instructed Marc Chase to
26 make certain large contributions in support of Candidates
27 2 and 3.

28

1 e. On or about September 24, 2012, at JOSE SUSUMO AZANO
2 MATSURA's direction, Marc Chase wrote a \$30,000 check to a
3 political party committee associated with Candidate 2's
4 campaign for federal office.

5 All in violation of Title 18, United States Code, Section 371.

6 Count 3: Donation and Contribution by a Foreign National

7 (2 U.S.C. §§ 437g(d) (1) (A) and 441e(a) (1) (A))

8 26. Allegations 1 through 18 of this Indictment are realleged
9 and incorporated by reference.

10 27. From in or about May 2012 through in or about November 2012,
11 within the Southern District of California, defendant JOSE SUSUMO
12 AZANO MATSURA, aka Mr. A., aka Mr. Lambo, RAVNEET SINGH, aka Ravi
13 Singh, ELECTIONMALL, INC., and MARCO POLO CORTES willfully did
14 directly and indirectly make a contribution and donations of a foreign
15 national aggregating \$25,000 and more during a calendar year in
16 connection with federal and local elections - to wit,

17 a. by donating \$100,000 of JOSE SUSUMO AZANO MATSURA'S money to
18 an independent expenditure committee that supported
19 Candidate 1's campaign for the office of Mayor of San Diego
20 during the 2012 primary election cycle;

21 b. by donating approximately \$128,000 of services to Candidate
22 1's campaign for the office of Mayor of San Diego during the
23 2012 primary election cycle, as financed by JOSE SUSUMO
24 AZANO MATSURA;

25 c. by contributing \$30,000 of JOSE SUSUMO AZANO MATSURA's money
26 to a political committee that supported candidates for
27 federal office;

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1 d. by donating \$120,000 of JOSE SUSUMO AZANO MATSURA's money to
2 an independent expenditure committee that supported
3 Candidate 3's campaign for the office of Mayor of San Diego
4 during the 2012 general election cycle;

5 e. by making a donation of \$30,000 to a political committee
6 that supported Candidate 3's campaign for the office of
7 Mayor of San Diego during the 2012 general election cycle;

8 f. by donating services worth approximately \$190,000, financed
9 by defendant JOSE SUSUMO AZANO MATSURA to Candidate 3's
10 campaign for the office of Mayor of San Diego during the
11 2012 general election cycle;

12 all in violation of Title 2, United States Code, Sections
13 437g(d)(1)(A) and 441e(a)(1)(A), and Title 18, United States Code,
14 Section 2.

15 Count 4: Contribution in the Name of Another

16 (2 U.S.C. §§ 437g(d)(1)(A) and 441f)

17 28. Allegations 1 through 18 of this Indictment are realleged
18 and incorporated by reference.

19 29. On or about September 24, 2012, within the Southern District
20 of California and elsewhere, defendants JOSE SUSUMO AZANO MATSURA, aka
21 Mr. A., aka Mr. Lambo, and MARCO POLO CORTES willfully did make a
22 contribution in the name of another aggregating \$25,000 and more
23 during a calendar year in connection with federal elections - to wit,
24 by contributing \$30,000 of defendant JOSE SUSUMO AZANO MATSURA's money
25 in Marc Chase's name to a committee of a political party supporting
26 federal candidates; all in violation of Title 2, United States Code,
27 Section 437g(d)(1)(A) and 441f, and Title 18, United States Code,
28 Section 2.

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Counts 5-24: Falsification of Records Related to Campaign Finance

(18 U.S.C. § 1519)

30. Allegations 1 through 18 of this Indictment are realleged and incorporated by reference.

31. On the dates below, within the Southern District of California and elsewhere, defendants JOSE SUSUMO AZANO MATSURA, aka Mr. A., aka Mr. Lambo, RAVNEET SINGH, aka Ravi Singh, ELECTIONMALL, INC., and MARCO POLO CORTES, as set forth below, did knowingly alter, conceal, cover up, falsify and make a false entry into a record and document with the intent to impede, obstruct and influence the investigation and proper administration of matters within the jurisdiction of the Federal Bureau of Investigation - to wit, by concealing and covering up, in records specified below, the fact that defendant JOSE SUSUMO AZANO MATSURA was the true source of the following campaign donations and contributions:

COUNT	DATE	DEFENDANTS	RECORD	CONTRIBUTION FALSELY REPRESENTED TO BE MADE BY
5	12/29/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - Marc Chase
6	12/29/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - R.C.
7	12/29/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - O.F.
8	12/29/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - L.Z.
9	12/29/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - S.H.
10	12/31/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - K.H.

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1	11	12/29/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - C.P.
2	12	12/29/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - R.A.
3	13	12/29/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - E.G.
4	14	12/29/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - T.G.
5	15	12/29/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - W.N.
6	16	12/29/11	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - S.N.
7	17	1/2/12	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - Mi.P.
8	18	1/2/12	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Donations to Candidate 1	\$500 - Ma.P.
9	19	February 2012	JOSE SUSUMO AZANO MATSURA; RAVNEET SINGH; ELECTIONMALL	San Diego City Clerk's Record of Donations to Candidate 1	\$128,000 - Unreported
10	20	5/2/12	JOSE SUSUMO AZANO MATSURA	San Diego City Clerk's Record of Independent Expenditure Committees Supporting Candidate 1	\$100,000 - Airsam N492RM, LLC
11	21	9/24/12	JOSE SUSUMO AZANO MATSURA; MARCO POLO CORTES	Federal Election Commission's Record of Donations	\$30,000 - Marc Chase
12	22	9/27/12	JOSE SUSUMO AZANO MATSURA; MARCO POLO CORTES	San Diego City Clerk's Record of Independent Expenditure Committees Supporting Candidate 3	\$120,000 - South Beach Acquisitions, Inc.
13	23	10/4/12	JOSE SUSUMO AZANO MATSURA; MARCO POLO CORTES	California Secretary of State Record of Donations to Political Parties	\$30,000 - West Coast Acquisitions, LLC

24	November 2012	JOSE SUSUMO AZANO MATSURA; RAVNEET SINGH; ELECTIONMALL; MARCO POLO CORTES	San Diego City Clerk's Record of Donations to Candidate 3	\$191,950 - Unreported
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All in violation of Title 18, United States Code, Sections 1519 and 2.

Count 25: Bribery

(18 U.S.C. § 201(b))

32. Beginning in approximately December 2013 and continuing to approximately January 2014, within the Southern District of California and elsewhere, defendants RAVNEET SINGH, aka Ravi Singh, and ELECTIONMALL, INC., did directly and indirectly corruptly give, offer and promise a thing of value to a public official with the intent to influence an official act and to induce that public official to act in violation of his lawful duties - to wit, by offering and giving \$1,000 to a federal official in exchange for confidential and classified information; all in violation of Title 18, United States Code, Section 201(b), and Title 18, United States Code, Section 2.

Count 26: Alien in Possession of a Firearm

(18 U.S.C. § 922(g) (5) (B))

33. Beginning on an unknown date and continuing up to on or about January 22, 2014, within the Southern District of California and elsewhere, defendant JOSE SUSUMO AZANO MATSURA, aka Mr. A., aka Mr. Lambo, being an alien then-admitted to the United States under a non-immigrant visa, and not possessing any hunting license or permit, did knowingly possess in and affecting interstate commerce, a firearm - to wit, a black Sig Sauer P225 bearing serial number M634983, said

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1 firearm having been shipped in interstate commerce; in violation of
2 Title 18, United States Code, Section 922(g)(5)(B).

3 FORFEITURE ALLEGATIONS

4 34. Upon conviction of the offense alleged in Count 25 of this
5 Indictment, defendants RAVNEET SINGH, aka Ravi Singh, and
6 ELECTIONMALL, INC., shall forfeit to the United States all property,
7 real and personal, which constitutes or is derived from proceeds
8 traceable to the violation of Title 18, United States Code,
9 Section 201, including but not limited to \$1,000; all in violation of
10 Title 18, United States Code, Section 981(a)(1)(C) and Title 28,
11 United States Code, Section 2461.

12 35. If any of the above-described forfeited property, as a
13 result of any act or omission of defendants RAVNEET SINGH, aka Ravi
14 Singh, or ELECTIONMALL, INC., cannot be located upon the exercise of
15 due diligence; has been transferred or sold to, or deposited with, a
16 third person; has been placed beyond the jurisdiction of the Court;
17 has been substantially diminished in value; or has been commingled
18 with other property which cannot be subdivided without difficulty, it
19 is the intent of the United States, pursuant to Title 21,
20 United States Code, Section 853(p), made applicable herein by Title
21 28, United States Code, Section 2461(c), to seek forfeiture of any
22 other property of the defendant up to the value of the property
23 described above subject to forfeiture.

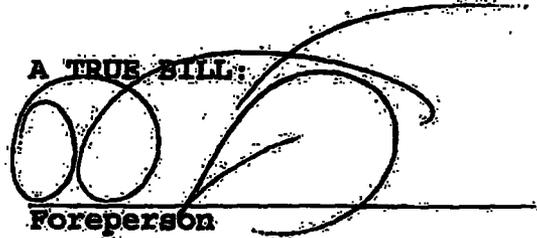
24 36. Upon conviction of the offense alleged in Count 26 of this
25 Indictment, defendant JOSE SUSUMO AZANO MATSURA, aka Mr. A., aka
26 Mr. Lambo, shall forfeit to the United States, pursuant to Title 18,
27 United States Code, Section 924(d), and Title 28, United States Code,
28 Section 2461(c), all firearms and ammunition involved in the

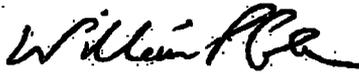
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1 commission of the offense, including but not limited to the following:
2 the black Sig Sauer P225 bearing serial number M634983, and all
3 ammunition found with it; all pursuant to Title 18, United States
4 Code, Sections 924(g) and 981(a)(1)(C), and Title 28, United States
5 Code, Section 2461(c).

6 DATED: August 12, 2014.

7 A TRUE BILL:

8 
9 Foreperson

10 

11 WILLIAM P. COLE
12 Attorney for the United States
13 Acting Under Authority Conferred by Title 28,
14 United States Code, Section 515

15 
16 TIMOTHY C. PERRY
17 Assistant U.S. Attorney